



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho Falls District
Upper Snake Field Office
1405 Hollipark Drive
Idaho Falls, Idaho 83401-2100

In Reply Refer To:

4100

December 3, 2012

John Phillips
1325 West 535 North
Paul, ID 83347

NOTICE OF FIELD MANAGER'S PROPOSED DECISION

Dear Mr. Phillips:

Introduction

You were previously notified that we would be initiating an analysis process on an allotment basis to determine the environmental impacts of livestock grazing. An environmental assessment (EA) pursuant to the National Environmental Policy Act has been completed to determine if reissuance of your grazing permit will continue to provide a reasonable balance among competing resource values. Your allotment was analyzed in DOI-BLM-ID-I010-2012-0048-EA (copy attached). This grazing decision will renew your permit for ten years.

Background

The Big Desert Sheep Allotment was evaluated in 2011 to assess whether the allotment was meeting requirements of the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (ISRH). An Evaluation Report of Achieving Idaho Standards for Rangeland Health and Conformance with Guidelines for livestock grazing management was issued for the Big Desert Sheep Allotment in December of 2011. The report found that Standards 1 and 5 are being met in the allotment. Standards 4 and 8 are not being met but are making significant progress toward meeting the standards. Livestock management practices within the Big Desert Sheep Allotment conform to all applicable Idaho Guidelines for Livestock Grazing Management. Standards 2, 3, 6, and 7 are not applicable to the allotment.

Proposed Decision

Big Desert Sheep Allotment

After careful consideration, it is my Proposed Decision to implement Alternative C of the attached environmental assessment DOI-BLM-ID-I010-2012-0048-EA. A ten-year grazing permit will be issued from April 1, 2012 to March 29, 2022, with terms and conditions for Big Desert Sheep Allotment to Forrest Arthur (operator number 1104220), as described below.

While the grazing permit will be renewed for a term of ten years, should information collected subsequent to any renewal indicate that changes in management are needed to ensure the allotment is continuing to meet or make significant progress toward meeting Standards and conforming to Guidelines, the permit may be modified at any time during the ten-year period.

Authorized Use Change for Big Desert Sheep Allotment:

1. Change of the season of use in the spring from 4/10 – 5/31 to 4/1 – 6/15. Your total number of AUMs authorized in the Big Desert Sheep Allotment would not change.
2. Change of the season of use in the Fall/Winter from 10/16 – 1/31 to 10/1 – 1/31.
3. Grazing from 4/1 - 4/7 would only be authorized on the crested wheatgrass seedings on the eastside of the allotment (EA Figure 2).

Mandatory Terms and Conditions for Big Desert Sheep Allotment

<u>Allotment</u>	<u>Livestock #</u>	<u>Livestock Kind</u>	<u>Begin Date</u>	<u>End Date</u>	<u>%PL</u>	<u>AUMs</u>
Big Desert Sheep	1,991	Sheep	4/1	6/15	100%	995
Big Desert Sheep	2,289	Sheep	10/1	1/31	100%	1,851

Active AUMs	Suspended AUMs	Grazing Preference
2,846	0	2,846

Other Terms and Conditions for Big Desert Sheep Allotment:

1. Average utilization will not exceed 40% of the annual growth on the native forage species in the Big Desert Sheep Allotment.
2. No camping, temporary corrals, or water hauling within 0.6 miles of occupied leks from March 15 to May 1 (EA Figure 7).
3. Range improvements must be maintained to BLM standards by the turnout dates for each allotment on this permit. All livestock water troughs must have a functional wildlife

escape ramp and be appropriately floated. Installation and maintenance of wildlife escape ramps are the responsibility of the permittee.

4. In connection with allotment operations under this authorization, if any human remains, cultural, archaeological, historical, paleontological, or scientific objects and sites are discovered, the permittee shall stop operations in the immediate area of the discovery, protect such resources, and immediately notify the BLM Authorized Officer (AO) of the discovery. The immediate area of the discovery must be protected until the operator is notified to resume operations by the AO.

Countyline Allotment

Furthermore, it is my proposed decision to create a forage reserve allotment by implementing the following actions:

1. 5,800 acres of the Big Desert Sheep Allotment would be removed to establish a crested wheatgrass Forage Reserve. The Forage Reserve would be named the Countyline Allotment. 1,300 AUMs would be allocated to the new allotment (EA Figure 4).
2. Total number of allocated AUMs in Big Desert Sheep would be reduced from 30,499 to 29,199 AUMs.
3. The Countyline Forage Reserve Allotment would be authorized for livestock grazing use on a temporary, non-renewable basis. Use would be considered for BLM permittees. Permittees within the USFO area would receive a higher priority than permittees outside the field office area. Use would be considered for existing permittees or lessees USFO who are being required to temporarily rest areas on their existing allotments due to fire/non-fire vegetation treatments, wildfire recovery, or an opportunity to provide for a more rapid attainment of Idaho Standards for Rangeland Health. If no use is scheduled for the forage reserve, the Big Desert Sheep Allotment permittees would have an opportunity to apply to graze in the forage reserve.
4. The season of use in the Countyline Allotment would be between 4/1 - 12/30 and the amount of livestock allowed in the allotment would be determined by the authorized officer. Up to 1,300 AUMs would be authorized within the forage reserve on an annual basis.
5. Type of livestock use within the Countyline Allotment could be a combination of either cattle or sheep.

Objective for Countyline Allotment:

6. Increasing sagebrush cover would be the primary consideration in determining the authorized annual season of use and the amount of use.

Projects (EA Figure 5):

7. Construct approximately 14 miles of boundary fence in order to separate the Countyline Allotment from the Big Desert Sheep Allotment. A four wire fence would be constructed according to BLM wildlife fencing specifications. The four wire fence would consist of three strands of barbed wire and one strand of smooth wire. The wire spacing would be 16 inches, 24 inches, 30 inches, and 42 inches from the ground with smooth wire on bottom to facilitate antelope passage underneath. Spacing would be 16.5' between "T" posts. A wire stay would be placed on the fence wire midway between steel "T" posts. Gates would also be added at appropriate locations. The area of disturbance associated with the boundary fence would be no greater than 6 acres. The area where the fenceline would be located would not be bladed. Maintenance of the fence would be the responsibility of the operator(s) who is authorized to graze in the forage reserve on an annual basis. The nearest active lek to the identified fence location is approximately 1.75 miles. The portion of the proposed fence located within 2 miles of an active lek would be made more visible by adding reflectors, if subsequent observations determine that sage-grouse are striking the new fence in other locations, the fence would be modified to make it more visible by adding reflectors.
8. Authorize construction of approximately 3 miles of pasture fence in the Countyline Allotment. The fence would divide the forage reserve into two pastures named East and West Pastures. The fence would be a three strand standard fence which consists of two strands of barbed wire spaced at 38 inches, 26 inches, and 16 inches from ground level. Spacing would be 16.5' between "T" posts. A wire stay would be placed on the fence wire midway between steel "T" posts. The area of disturbance associated with the pasture fence would be no greater than 1.5 acres. The area where the fenceline would be located would not be bladed. If subsequent observations determine that sage-grouse are striking the new fence, the fence would be modified to make it more visible by adding reflectors or wood stays.
9. Authorize drilling of a well and placement of a storage tank in the Countyline Allotment.
10. Authorize construction of 4.4 miles of pipeline in the Countyline Allotment. The pipeline would originate from the new well described above. A total of three troughs would be connected to the pipeline. There would be one trough located in the middle of each pasture as well as a trough located at the well that would provide water to each pasture. In total each pasture in the Countyline Allotment would have access to two troughs. The pipeline would be buried. The troughs would be set at ground level, as wells as have wildlife escape ramps. The area of disturbance associated with the pipeline would be no greater than 3 acres and the construction of the three troughs would account for another 1.5 acres of disturbance. The total amount of the disturbance would be 4.5 acres. The disturbed area would be reseeded with a mix of native species appropriate for the site after the project is complete.

11. Construct two water developments for wildlife off of the new pipeline to provide late season water availability. The guzzlers would store approximately 3,000 gallons of water in buried storage tanks. Water from storage tanks is gravity fed through an underground pipe to a buried float box and then to a drinker. A three strand wire fence designed to allow for wildlife passage but prevent livestock access would be constructed on approximately one acre around the guzzler. Disturbed areas would be seeded to native grasses and forbs. The area of disturbance associated with the two guzzlers would be no greater than 1 acre of disturbance.
12. Install one cattleguard in the Countyline Allotment.
13. Construct of a new corral in the Countyline Allotment. The corral would be constructed of wood posts and poles, and the corral facility would encompass about 0.5 acre.
14. Construction of the projects described above would not be authorized between March 1 and June 30 so as to not disturb nesting bird species in the area.

Grazing Plan for Countyline Allotment:

15. Neither pasture would receive use for the entire period between April 1 and December 30.
16. Neither pasture would receive more than two consecutive years of growing season use.

Mandatory Terms and Conditions for Countyline Allotment

17. Countyline Allotment Annual Authorization.

<u>Allotment Name</u>	<u>Lvstk Kind</u>	<u>Begin</u>	<u>End</u>	<u>AUMs</u>
Countyline	Cattle	4/1	12/30	1,300
	Or			
	Sheep	4/1	12/30	1,300

The permittee may be authorized to run more livestock for a shorter period of time within the authorized season of use and authorized AUMs.

18. Objective: Increasing sagebrush cover would be the primary consideration in determining the authorized annual season of use and the amount of use.

Rationale

This decision is based on the findings of the interdisciplinary team on the available monitoring data, allotment evaluation, consultation, and EA # DOI-BLM-ID-I010-2012-0048-EA. Implementation of the actions described above, including the permit terms and conditions will

help ensure that the allotment continues to meet or make significant progress toward meeting all applicable standards within the allotment.

The decision for the Big Desert Sheep Allotment is in conformance with the Greater Sage-Grouse Interim Management Policies and Procedures Instruction Memorandum (IM-2012-043).

The rangeland health assessment indicates that Alternative C would also continue to meet Standards 1 and 5, and continue to make significant progress toward meeting Standards 4 and 8 at a similar rate as Alternative B. Use of the Big Desert Sheep Allotment would be similar to Alternative B, except for the creation of the Countyline Forage Reserve Allotment. The establishment of the Countyline Forage Reserve Allotment would include authorizing the construction of a boundary/pasture fence, the construction of a pipeline with three trough sets and two wildlife guzzlers, the drilling of a well, the placement of a storage tank, corral, and the placement of one cattleguard in the forage reserve allotment. Both the Sage Grouse Comprehensive Conservation Strategy (2006) and the Big Desert Sage-grouse Planning Areas Conservation Plan (2010) suggest pursuing opportunities for forage reserves to accommodate livestock operators during implementation of rehabilitation and restoration activities. Currently, there are no alternative forage reserves identified in the Big Desert during natural recovery of untreated areas, or during rehabilitation and restoration establishment/rest periods for treated sites. These measures would facilitate resource objectives such as providing rest to improve herbaceous cover in certain nesting and brood-rearing areas. Another potential benefit of a forage reserve would be to reduce fuel loads where forage is being under-utilized, in turn reducing the frequency of wildfire and cause sagebrush to reestablish sooner onsite.

Seventeen miles of fences would be installed to establish the forage reserve. Fencing would be within the crested wheatgrass seedings. The proposed projects are all in conformance with IM 2012-043 (Greater Sage-Grouse Interim Management Policies and Procedures). A primary objective of the fence is to benefit greater sage-grouse habitat by increasing sagebrush cover in a crested wheatgrass seeding. The fence will no closer than 1.75 miles from the closest known lek and reflectors will be installed to improve fence visibility to sage-grouse. Approximately 2,800 acres of the proposed forage reserve was homesteaded and farmed in the past and later reconveyed back to the BLM. In addition to being farmed in the past, the forage reserve has been seeded into crested wheatgrass multiple times (1952 and 1971). Currently, over 80% of the proposed forage reserve is dominated by crested wheatgrass. The nearest occupied lek is greater than 1.75 miles from the proposed fence. Increased soil surface disturbance and compaction would be expected in a narrow area adjacent to the new fence, as livestock commonly trail along fences more intensively. The portion of the proposed fence located within 2 miles of an active lek would be made more visible by adding reflectors, if subsequent observations determine that sage-grouse are striking the new fence in other locations, the fence would be modified to make it more visible by adding reflectors. The addition of three troughs and wildlife guzzlers would provide a water source for migratory birds and wildlife throughout the spring, summer, and fall. Grazing use in the allotment would only be authorized on a temporary basis to existing BLM operators whose permitted use has been suspended due to fire, vegetation rehabilitation projects, or other causes. The season of use in the allotment would be 4/1 – 12/30. The expanded season of use in the allotment would give the BLM the flexibility to determine the most appropriate

time to graze. Grazing will be used as a tool to improve sage-grouse habitat. Increasing sagebrush would be the primary consideration in determining the authorized annual season of use and amount of use. Permitted AUMs in the new allotment would be 1,300. The AUMs needed to establish the forage reserve would be removed from the AUMs allocated in the Big Desert Sheep Allotment under the MFP.

The area that would be set aside for the forage reserve has been seeded into crested wheatgrass multiple times (1952 and 1971). By allowing both livestock species to graze within the forage reserve, the diversity of the plant community has potential to increase. The difference in food selection between the two species could reduce the competitive advantage of the crested wheatgrass, which dominates the area. The area of the proposed forage reserve is in priority sage grouse habitat that currently lacks sagebrush plants. Without taking some kind of action the crested wheatgrass seeding will continue to have an absence of sagebrush cover. Sagebrush cover would increase in the forage reserve considerably more in Alternative C than the other alternatives. Pellant and Lysne (2006) show that livestock grazing can facilitate an increase in the diversification of crested wheatgrass or similar seedings. Another benefit of livestock use at the appropriate time and intensity in crested wheatgrass seedings is to facilitate the return of sagebrush. Sagebrush cover in seedings is less under light to moderate spring livestock use, but increases under higher crested wheatgrass utilization levels for the same period of time (Frischknecht and Harris, 1968). The creation of the forage reserve would have a potential long term positive impact to the permittees in the USFO. Permittees in the field office that have been impacted by short term allotment closures, such as fire/non-fire vegetation treatments, wildfire recovery, or an opportunity to provide for a more rapid attainment of Idaho Standards for Rangeland Health in particular allotments or pastures, would have an opportunity to continue grazing on public land instead of reducing their herds or purchasing forage. The potential economic impact on operators authorized to use the forage reserve on a temporary basis would be a savings of between \$14,625 and \$128,245 when comparing the AUM cost for grazing public versus forage cost associated with private pasture or purchase of forage. The construction of boundary/pastures fences, well, pipeline, corral, wildlife guzzlers, and trough sets under Alternative C would result in additional cost incurred by the USFO in order to implement the forage reserve. Impacts to sage-grouse would be minimal due to the bedding area restrictions around leks and anti-collision reflectors being installed on new fence construction.

Authority

The authority under which this decision is made is found within the following 43 CFR citations:

- 4110.2-2 - Specifying permitted use
- 4110.3 - Changes in permitted use
- 4130.2 - Grazing permits or leases
- 4130.3 - Terms and conditions
- 4130.3-1 - Mandatory terms and conditions
- 4130.3-2 - Other terms and conditions
- 4130.3-3 - Modification of permits or leases
- 4180 - Fundamentals of Rangeland Health and S&G for Grazing Administration

Appeal Procedures

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to me at the address shown above within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 4160.4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The person/party must also serve a copy of the appeal on the office of the Solicitor, Boise Field Solicitors Office, University Plaza, 960 Broadway Avenue, Suite 400, Boise, ID 83706 and person(s) named [43 CFR 4.421(h)] in the Copies sent to: section of this decision.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and serviced in accordance with 43 CFR 4.471. Any person named in the decision that receives a copy of a petition for a stay and/or an appeal see 43 CFR 4.472(b) for procedures to follow if you wish to respond.

If you have any questions, feel free to contact either Scott Minnie or myself at 524-7500.

Sincerely,

/s/ Jeremy Casterson

Jeremy Casterson
Field Manager
Upper Snake Field Office

Enclosure: DOI-BLM-ID-I010-2012-0048-EA

Copies sent to:

Idaho Department of Agriculture, 2270 Old Penitentiary Road, Boise, ID 83707
Idaho Department of Fish and Game, 427 Commerce Circle, Idaho Falls, ID 83401
Idaho Department of Lands, 3563 Ririe Highway, Idaho Falls, ID 83401
Northwest Band of the Shoshone Nation, 505 Pershing Suite 200, Pocatello, ID 83201
Chairman, Land Use, Shoshone-Bannock Tribes, P.O. Box 306, Pocatello, ID 83203
Chairman, Tribal Business, Shoshone-Bannock Tribes, P.O. Box 306, Pocatello, ID 83203
Western Watersheds Project, P.O. Box 1770, Hailey, ID 83333
Shoshone Field Office, Monument Manager, 400 West F Street, Shoshone, ID 83352
National Park Service, Craters of the Moon National Monument and Preserve, P.O. Box 29,
Arco, ID 83213